(B) the maximum number of members of the court who may be appointed from the same political party shall (notwithstanding subsection (b)(3) of section 942) be two.

(2) In the application of paragraph (2) of section 942(b) of title 10, United States Code (as enacted by subsection (c)), to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—

(A) with respect to one such judge (as designated by the President at the time of appointment), the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven; and

(B) with respect to the other such judge (as designated by the President at the time of appointment), the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the thirteenth anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being thirteen.

(e) TRANSITION RULES RELATING TO RETIREMENT OF NEW JUDGES.—[10 USC 942 note.]

(1) Except as otherwise provided in paragraphs (2) and (3), each judge to whom subsection (d)(2) applies shall be eligible for an annuity as provided in section 945 of title 10, United States Code, as enacted by subsection (c).

(2) The annuity of a judge referred to in paragraph (1) is computed under subsection (b) of such section 945 only if the judge—

(A) completes the term of service for which he is first appointed;

(B) is reappointed as a judge of the United States Court of Military Appeals at any time after the completion of such term of service;

(C) is separated from civilian service in the Federal Government after completing a total of 15 years as a judge of such court; and

(D) elects to receive an annuity under such section in accordance with subsection (a)(2) of such section.

(3) In the case of a judge referred to in paragraph (1) who is separated from civilian service after completing the term of service

for which he is first appointed as a judge of the United States Court of Military Appeals and before completing a total of 15 years as a judge of such court, the annuity of such judge (if elected in accordance with section 945(aX2) of title 10, United States Code) shall be Vis of the amount computed under subsection (b) of such section times the number of years (including any fraction thereof) of such judge's service as a judge of the court.

(f) APPLICABILITY OF AMENDED RETIREMENT PROVISIONS.—Except as otherwise provided in subsections (c) and (d), section 945 of title 10, United States Code, as enacted by subsection (c), applies with respect to judges of the United States Court of Military Appeals whose terms of service on such court end after September 28, 1988, and to the survivors of such judges. 10 USC 942 note.

(g) TERMS OF CURRENT JUDGES.—Section 942(b) of title 10, United States Code, as enacted by subsection (c), shall not apply to the term of office of a judge of the United States Court of Military Appeals serving on such court on the date of the enactment of this Act. The term of office of such a judge shall expire on the later of (A) the date the term of such judge would have expired under section 867(aXD of 10 USC 942 note.